

OCT 23 2015

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

US DISTRICT COURT
WESTERN DISTRICT OF NC

CRIMINAL NO.: 3:15cr242-MOC

UNITED STATES OF AMERICA,)	
)	
v.)	CONSENT ORDER AND
)	JUDGMENT OF FORFEITURE
)	PENDING RULE 32.2(c)(2)
LAURENTIO BENITEZ)	

BASED UPON the Defendant's plea of guilty and finding that there is a nexus between the property listed below and the offense(s) to which the Defendant has pled guilty and that the Defendant (or any combination of Defendants in this case) has or had a possessory interest or other legal interest in the property, IT IS HEREBY ORDERED THAT:

1. The following property is forfeited to the United States pursuant to 21 U.S.C. § 853, provided, however, that forfeiture of specific assets is subject to any and all third party petitions under 21 U.S.C. § 853(n), pending final adjudication herein:

- Approximately \$67,000 in United States currency seized on or about October 18, 2013
- Approximately \$411,340 in United States currency seized on or about February 19, 2014
- Approximately \$203,960 in United States currency seized on or about July 6, 2014
- Approximately \$184,520 in United States currency seized or about February 15, 2015
- One Remington 870 12 gauge shotgun, serial number X264259M and ammunition
- One Savage .32 caliber pistol with magazine, serial number 12904 and ammunition
- One Taurus PT 1911 .38 caliber super pistol with magazine, serial number LBY42883 and ammunition
- One Para Ordnance P14-45 .45 caliber pistol with magazine, serial number P128172 and ammunition
- One Hi-Point 9mm pistol with magazine, serial number P1703778 and ammunition
- One Smith & Wesson .40 caliber pistol with magazine, serial number DUS1186 and ammunition
- One High Point .45 caliber pistol with magazine, serial number 441212 and ammunition

2. The United States Marshals Service, the investigative agency, and/or the agency contractor is authorized to take possession and maintain custody of the above specific asset(s).

3. If and to the extent required by Fed. R. Crim. P. 32.2(b)(6), 21 U.S.C. § 853(n), and/or other applicable law, the United States shall publish notice and provide direct written notice of forfeiture.

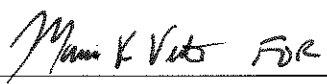
4. Any person, other than the Defendant, asserting any legal interest in the property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of the alleged interest.

5. Pursuant to Fed. R. Crim. P. 32.2(b)(3), upon entry of this order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of the property, including depositions, interrogatories, and request for production of documents, and to issue subpoenas pursuant to Fed. R. Civ. P. 45.

6. As to any specific assets, following the Court's disposition of all timely petitions, a final order of forfeiture shall be entered. If no third party files a timely petition, this order shall become the final order of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property according to law.

The parties stipulate and agree that the aforementioned asset(s) constitute property derived from or traceable to proceeds of Defendant's crime(s) herein or property used in any manner to facilitate the commission of such offense(s) and are therefore subject to forfeiture pursuant to 21 U.S.C. § 853. The Defendant hereby waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against Defendant. If the Defendant has previously submitted a claim in response to an administrative forfeiture proceeding regarding any of this property, Defendant hereby withdraws that claim. If Defendant has not previously submitted such a claim, Defendant hereby waives all right to do so. As to any firearms listed above and/or in the charging instrument, Defendant consents to destruction by federal, state, or local law enforcement authorities upon such legal process as they, in their sole discretion deem to be legally sufficient, and waives any and all right to further notice of such process or such destruction.

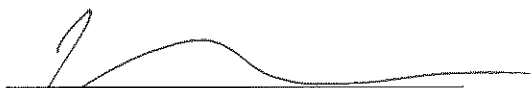
JILL WESTMORELAND ROSE
UNITED STATES ATTORNEY



DANA O. WASHINGTON
Assistant United States Attorney

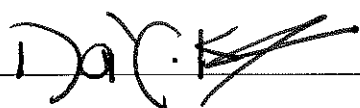


LAURENTINO BENITEZ
Defendant



W. ROB HEROY, ESQ.
Attorney for Defendant

Signed this the 23 day of October, 2015.



UNITED STATES MAGISTRATE JUDGE